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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE DISTRICT OF ARIZONA

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8 Maris S. Mitchell,

9 Plaintiff,

10 v.

11 Patrick R. Donahoe, Postmaster General,  
United States Postal Service,

12 Defendant.

No. CV11-2244-PHX-JAT

**ORDER**

13  
14 Currently pending before the Court are Plaintiff's Motion for Reconsideration  
15 (Doc. 7) and Defendant's Motion for More Definite Statement (Doc. 9). The Court now  
16 rules on the motions.

17 **MOTION FOR RECONSIDERATION**

18 Plaintiff filed a Motion to Appoint Counsel on November 15, 2011. (Doc. 3.) The  
19 Court denied that motion on November 23, 2011, citing Plaintiff's failure to demonstrate  
20 exceptional circumstances. (Doc. 6.)

21 On December 19, 2011, Plaintiff filed a Motion for Reconsideration of the Court's  
22 ruling on her Motion to Appoint Counsel. (Doc. 7.) In her Motion for Reconsideration,  
23 Plaintiff admits she did not know about the *Bradshaw* factors referenced in the Court's  
24 Order and describes her attempt to retain counsel to represent her in this case.

25 As the Court noted in its earlier Order, there is no constitutional right to appointed  
26 counsel in a civil case. *Ivey v. Bd. Of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th  
27 Cir. 1982). But the Court may appoint counsel in "exceptional circumstances," *Wilborn*  
28 *v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986), and, in civil rights employment

1 discrimination cases, when the court deems just, *Bradshaw v. Zoological Soc’y of San*  
2 *Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981).

3 The Court finds that Plaintiff’s attempts to retain counsel as described in her  
4 Motion for Reconsideration do not constitute exceptional circumstances. The Court  
5 further finds that Plaintiff’s Motion for Reconsideration demonstrates her ability to  
6 respond to Court orders and articulate her position. Finally, the Court finds that the letter  
7 attached to Plaintiff’s Motion for Reconsideration does not contribute to the Court’s  
8 ability to assess the merit of Plaintiff’s claims. The Court therefore will deny the Motion  
9 for Reconsideration.

10 **MOTION FOR MORE DEFINITE STATEMENT**

11 Federal Rule of Civil Procedure 12(e) provides that a party may move for a more  
12 definite statement of a pleading if the pleading is so vague or ambiguous that the party  
13 who is allowed a responsive pleading cannot reasonably prepare a response. A Rule  
14 12(e) motion must point out the defects in the pleading and the details desired.

15 Defendant filed his Motion for More Definite Statement on November 23, 2011.  
16 (Doc. 9.) Defendant claims that Plaintiff’s Complaint is so vague and ambiguous that he  
17 cannot formulate a response.

18 In her Response to the Motion for More Definite Statement, Plaintiff does not  
19 actually respond to Defendant’s arguments in the Motion. She instead attempts to clarify  
20 the allegations in her Complaint. Plaintiff’s attempts at clarification and failure to  
21 respond to Defendant’s arguments seem to indicate that she acknowledges the  
22 deficiencies of her Complaint.

23 The Court agrees with Defendant that the Complaint does not meet the  
24 requirements of Federal Rule of Civil Procedure 8(a) and is so vague and ambiguous that  
25 Defendant cannot form an appropriate response. While giving some background, the  
26 Complaint does not contain short and plain statements of the grounds for Plaintiff’s  
27 claims for relief. Nor does the Complaint identify what state or federal statute or  
28 constitutional provision Defendant allegedly violated.

1 The Court therefore will grant Defendant's Motion for More Definite Statement  
2 and hereby orders Plaintiff to file an Amended Complaint within fourteen (14) days of  
3 the date of this Order. The Amended Complaint shall comply with the requirements of  
4 Federal Rules of Civil Procedure 8(a) and 10(b) and shall set forth the factual bases for  
5 Plaintiff's claims. Plaintiff's claims themselves shall be set out in separate Counts and  
6 shall identify which law, treaty, or constitutional provision Defendant allegedly violated.  
7 The Amended Complaint also shall: 1) provide the names of the United States Postal  
8 Service Employees who allegedly discriminated and/or retaliated against Plaintiff; 2)  
9 contain a description of the alleged discriminatory conduct and the alleged adverse  
10 employment action or actions; and 3) identify the time frames for the alleged  
11 discriminatory conduct.

12 Accordingly,

13 **IT IS ORDERED DENYING** Plaintiff's Motion for Reconsideration (Doc. 7.)

14 **IT IS FURTHER ORDERED** GRANTING Defendant's Motion for More  
15 Definite Statement (Doc. 9).

16 **IT IS FURTHER ORDERED** that Plaintiff shall file an Amended Complaint that  
17 meets the requirements set out above within fourteen (14) days of the date of this Order.  
18 If Plaintiff fails to file an Amended Complaint within that time, the Clerk of the Court  
19 shall dismiss this case without further notice for failure to obey a Court order and failure  
20 to prosecute.

21 Dated this 7th day of May, 2012.

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James A. Teilborg  
United States District Judge